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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,350	06/26/2001	Carrel W. Ewing	MLF-600-13	3551

7590 11/12/2004

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EXAMINER	
CHANKONG, DOHM	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,350	EWING ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/5/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1> Claims 1-12 are presented for examination.

Priority

2> Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows: The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application; the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 1 12. See Transco Products, Inc. F. Performance Contracting, Inc, 38 F.3d 551, 32 USPQZd 1077 (Fed. Cir. 1994).

The instant application incorporates a user configuration file for affecting power-control ports and its associated functionality which Examiner was unable to locate in applications 09/732/557, 09/375,471, or 09/685,436 (now patent 5.949.974). As such, the priority date is considered 06/26/2001.

Claim Rejections - 35 USC § 103

3> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4> Claims 1, 2 and 10 are rejected under 35 U.S.C § 103(a) as being unpatentable over Weiss et al, U.S Patent No. 6.496.103 ["Weiss"], in view of Nierlich et al, U.S Patent No. 6.519.509 ["Nierlich"].

5> As to claim 1, Weiss discloses a reconfigurable network-equipment power-management system, comprising:

a power-controller device having a serial interface for communicating with a user, and a plurality of power-control ports that are able to interrupt operating power to a corresponding plurality of co-located computer data network appliances [abstract | Figure 1 | Figure 2 | column 5 «lines 32-44»];

a user configuration file for affecting said plurality of power-control ports [column 4 «lines 64-67» | column 5 «lines 53-59» where: the stored information in the network device is analogous to configuration information stored in a configuration file];

a memory disposed in the power-controller device for storage of user configuration information [Figure 2 «item 40»]; and

a file transfer mechanism for importing the user configuration file via said serial interface [abstract | column 4 «lines 64-67»].

Weiss does not disclose that the user configuration file is exported to the user.

6> Nierlich discloses a configurable network-equipment power management system comprising a file transfer mechanism for exporting user configuration files to the user via said serial interface [abstract | column 5 «lines 51-62» | column 6 «lines 35-40 and 58-65»

where: Nierlich's E1-2000 is comparable to the user that receives the exported config files and the management device 10 is analogous to the power controller]. It would have been obvious to one of ordinary skill in the art to incorporate Nierlich's file exporting functionality into Weiss's file transfer mechanism for the obtained advantage of allowing real-time control over the managed network devices as taught by Nierlich [column 2 «lines 56-61»].

7› As to claim 2, Weiss discloses the system of claim 1, further comprising:

a computer data network interfaced to support the file transfer mechanism and communication with a user at a remote location [Figure 1 «item 18»].

8› As to claim 10, Weiss discloses a method for managing user configuration data in a reconfigurable network-equipment power-management system, the method comprising the steps of:

operating a plurality of power-control ports such that they are dependant on a user configuration file [Figure 1 «item 2» | Figure 2 | column 7 «lines 6-23»]; and

uploading a copy of said user configuration file over a data communication channel [column 5 «line 65» to column 6 «line 13»].

Weiss does not disclose downloading a substitute user configuration file over said data communication channel to replace said user configuration file.

9› Nierlich discloses downloading a substitute user configuration file over said data communication channel to replace said user configuration file [column 5 «lines 49-60» |

column 10 «lines 32-36»]. It would have been obvious to one of ordinary skill in the art to incorporate Nierlich's configuration file substitution functionality into Weiss' power management system for the obtained advantage of being able to update the user configuration information stored in Weiss' power controller.

10> Claims 3-9, 11 and 12 are rejected under 35 U.S.C § 103(a) as being unpatentable over Weiss and Nierlich, in further view of Pitt et al, U.S Patent No. 5.717.934 ["Pitt"].

11> Pitt was cited by Applicant in IDS #4, dated 2.5.2004.

12> As to claim 3, Weiss does not disclose the system comprising a command mechanism for recognizing a user command to upload the user configuration file from the memory to a destination.

13> Pitt discloses a system comprising a command machismo for recognizing a user command to upload the user configuration file from the memory to a destination [column 2 «lines 44-56» where: Pitt's user interface is comparable to a command mechanism]. It would have been obvious to one of ordinary skill in the art to include Pitt's command mechanism in Weiss' power management system to allow for user configurability and storage of user configurations at a central location such as a server.

14> As to claim 4, Weiss does not disclose the system comprising a command mechanism for recognizing a user command to download a substitute user configuration file to the memory from a source.

15> Nierlich discloses a system comprising a command mechanism to download a substitute user configuration file to the memory from a source [column 5 «lines 49-60» | column 10 «lines 32-36» where: the E1-2000 is analogous to a power controller and the management device represents the source]. It would have been obvious to one of ordinary skill in the art to incorporate Nierlich's command mechanism and file download functionality into Weiss' power management system for the obtained advantage of being able to update the user configuration information in Weiss' system.

16> Pitt discloses including user command recognition to allow an administrator to configure the operation in an power management system [column 2 «lines 30-33»]. It would have been obvious for one of ordinary skill in the art to have reasonably inferred that the downloading and updating of the user configuration file would be based on a user command to allow for an administrator to monitor and configure the power management operations.

17> As to claim 5, Weiss does disclose a system with a transfer mechanism but does not specifically disclose checking the integrity of a substitute user configuration file downloaded to the memory, and for rejecting a corrupted file transfer.

18› Nierlich discloses downloading a substitute configuration file to a memory [column 5 «lines 47-60»]. It would have been obvious to one of ordinary skill in the art to incorporate Nierlich's file download functionality into Weiss to allow a user to update configuration files located in Weiss' switching device.

Nierlich does not disclose performing an integrity check on the configuration file.

19› Pitt discloses checking the integrity of a substitute user configuration file, and for rejecting a corrupted file transfer [column 2 «lines 48-56» | column 4 «lines 53-65» where: while Pitt discloses performing the validation of the substitute file before transmitting the file, it would have been obvious for the validation to occur at either end of the transmission, including after the file has been transferred. Such a technique is well known in the art.]. It would have been obvious to one of ordinary skill in the art to incorporate Pitt's file error checking functionality into Weiss's system to ensure that the power configuration information transferred in the system will work properly with the managed network devices.

20› As to claim 5, Weiss does disclose a system with a transfer mechanism but does not specifically disclose checking the integrity of a substitute user configuration file downloaded to the memory, and for adopting for use an acceptable file transfer.

21› Nierlich discloses downloading a substitute configuration file to a memory [column 5 «lines 47-60»]. It would have been obvious to one of ordinary skill in the art to incorporate

Nierlich's file download functionality into Weiss to allow a user to update configuration files located in Weiss' switching device.

Nierlich does not disclose performing an integrity check on the configuration file.

22> Pitt discloses checking the integrity of a substitute user configuration file downloaded, and for adopting for use an acceptable file transfer [column 2 «lines 48-55» | column 4 «line 66» to column 5 «line 4» where: while Pitt discloses transmitting the file after performing the integrity check, it would have been obvious to perform the integrity check after the file was downloaded to the memory. Such a technique of error checking at both ends of a file transmission is well known in the art]. It would have been obvious to one of ordinary skill in the art to incorporate Pitt's file error checking functionality into Weiss's system to ensure that the power configuration information transferred in the system will work properly with the managed network devices.

23> As to claim 7, Weiss does not disclose a system comprising an editor for constructing a substitute user configuration file for downloading to the memory.

24> Pitt discloses a system comprising an editor for constructing a substitute user configuration file for downloading to the memory [column 4 «lines 34-52»]. It would have been obvious to incorporate Pitt's editor into Weiss's system to give users the ability to configure the information that is used to manage the power usage of the network devices.

25> As to claim 8, Weiss discloses configuration information used to control said plurality of power-control ports [Figure 1] but does not disclose a system comprising an editor for modifying said user configuration file into a substitute user configuration file for downloading to the memory.

26> Pitt discloses an editor for modifying said user configuration file into a substitute user configuration file for downloading to the memory [column 4 «lines 34-52» | claims 1 and 2]. It would have been obvious to incorporate Pitt's editor into Weiss's system to give users the ability to configure the information that is used to manage the power usage of the network devices.

27> As to claim 9, it does not teach or further define over the limitations of claims 2-8. Therefore, claim 9 is rejected for the same reasons set forth in claims 2-8, supra.

28> As to claim 11, Weiss does not disclose a method further comprising the step of checking the integrity of said user configuration file and aborting if corrupted.

29> Pitt discloses a method comprising the step of checking the integrity of said user configuration file and aborting if corrupted [column 2 «lines 48-56» | column 4 «lines 53-65»]. It would have been obvious to one of ordinary skill in the art to incorporate Pitt's file error checking functionality into Weiss's system to ensure that the power configuration information transferred in the system will work properly with the managed network devices.

30› As to claim 12, Weiss does not disclose a method further comprising the step of checking the integrity and adopting it for use if not corrupted.

31› Pitt discloses a method comprising the step of checking the integrity and adopting it for use if not corrupted [column 2 «lines 48-55» | column 4 «line 66» to column 5 «line 4»]. It would have been obvious to one of ordinary skill in the art to incorporate Pitt's file error checking functionality into Weiss's system to ensure that the power configuration information transferred in the system will work properly with the managed network devices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stein, U.S Patent No. 6.029.092 – [abstract – remote power management of appliances];

Sugahara et al, U.S Patent No. 6.408.395 – [abstract - remote power save method and system];

Togawa, U.S Patent No. 6.715.088 – [abstact – controlling the power consumption of network connected apparatuses].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3946. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

Dung C. Dinh
Primary Examiner